

The Honorable John C. Coughenour

**DRAFT**

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

OMNI INNOVATIONS, LLC., a  
Washington limited liability company;  
JAMES S. GORDON, Jr., a married  
individual; EMILY ABBEY, an  
individual; and GRIFFIN ONLINE  
DOMAIN, LLC, a Washington limited  
liability company,

Plaintiffs,

v.

INVIVA, INC., a Kentucky and Delaware  
corporation, d/b/a/ American Life Direct,  
and American Life Insurance Co. of New  
York; and JOHN DOES, I-X,

Defendants.

NO. CV-06-1537-JCC

DECLARATION OF ROBIN  
LIVINGSTON IN OPPOSITION TO  
MOTION FOR PARTIAL SUMMARY  
JUDGMENT

I, Robin Livingston, declare and testify as follows:

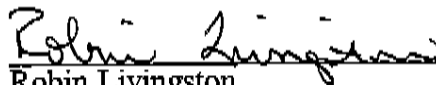
1. I am over eighteen years of age and am the Compliance and Regulatory Manager at Jefferson National Financial Corp., formerly known as Inviva, Inc. ("Inviva"), the defendant in the above captioned action. I am competent to testify to the matters stated in this declaration, and make this declaration from personal knowledge of those matters.

2. I have reviewed the Declaration of James S. Gordon, Jr. in Support of

1 Plaintiffs' Motion for Partial Summary Judgment for Injunctive Relief in the above-  
2 captioned matter, as well as the email which is attached as Exhibit B thereto (the "Email",  
3 Dkt. # 20 ¶ 4 Ex. B). Inviva did not send the Email. Moreover, Inviva does not do  
4 business as, and has never done business as, any of the following: Spectrum Direct,  
5 American Life Direct, Lifeshopdirect, Liberty Direct, or any other entity.

6  
7 I certify and declare under the penalty of perjury under the laws of the State of  
8 Washington and the United States that to my knowledge the foregoing is true and correct.

9  
10 Executed on this 9th day of July, 2007, at Louisville, Kentucky.

11  
12   
13 Robin Livingston